

REMARKS

Reconsideration is requested.

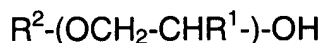
Claims 31-33, 35-42, 44-48 and 50-63 are pending. New claims 62 and 63 find support, for example, on page 21, lines 18-21, of the specification. Claim 31 has been amended, without prejudice, to include details of the disclosed invention described on page 7, lines 27-30 and page 8, lines 3-6 of the specification. No new matter has been added.

Attached is a partial translation of JP 07-18946 for the Examiner's further consideration.

The Section 103 rejection of claims 31, 32, 37-42, 44-48, 50-51 and 57-61 over the combination of U.S. Patent No. 4,722,837 (Cameron), JP 07-18946 (Hirota) and The Handbook of Cosmetic Science and Technology, is traversed. Reconsideration and withdrawal of the rejections are requested in view of the following distinguish comments.

Hirota is understood to describe a composition for the scalp comprising:

(A) 0.1 – 5 wt %, and preferably 0.3-3 wt % of a polyalkyleneglycol monoalkylether of formula I:



wherein R¹ is H or methyl; R² is a C₁₋₅ alkyl; and m is 2 to 6, the diethylene glycol monoethyl ether being particularly preferred,

(B) 0.001-1 wt % of an antimicrobial agent,

(C) 0.01 to 5 wt % of a sebum secretion inhibitor comprising a carboxylic acid (or its derivative) of formula II (Y is a mono- or dihydroxy-substituted alkyl; (n) is 4 to 14,

(D) 0.01 to 5 wt % of a bloodstream stimulator, and

(E) 0.01 to 3 wt % of an oil-absorbing carrier.

The composition is then understood to be mixed with 10-90% ethanol solution.

The cited Cameron patent is understood to not teach or suggest the presence of the particular propenetrating agent as claimed, the claimed proportions of propenetrating agent, the combination of anionic and amphoteric surfactants, as claimed, and the optional use of retinoids.

There is no motivation in the art for one skilled in the art to have combined Cameron with Hirota.

Hirota does not relate to a shampoo composition comprising both anionic and amphoteric surfactants. The compositions described in Hirota are either lotions with a high quantity of ethanol (see examples 1-9 and 13-16) or emulsions (see examples 10-12). These compositions not comprising both anionic and amphoteric surfactants.

Even if one of ordinary skill in the art would have been motivated by the art to have combined the cited art, which they would not have been, the teachings of Cameron and of Hirota would not have led to the invention as claimed.

There is no further information in Hirota to use a particular propenetrating agent in the claimed proportions.

Rather Hirota teaches the use of:

- polyalkyleneglycol monoalkylether of formula $R^2-(OCH_2-CHR^1)-OH$ in a quantity ranging from 0.1 to 5 wt %, and preferably from 0.3 to 3 wt %, and of
- 10-90 wt % of ethanol solution.

The examples describe several compositions wherein the total proportion of polyalkyleneglycol monoalkylether and ethanol ranges from 14 to 54 wt %.

Consequently, this document does not teach or suggest a proportion of the compounds ranging from 5 to wt 10%. Moreover, Hirota teaches that when the polyalkylene glycol monoalkyl ethers are used in a proportion of more than 5 wt %, a sticky feeling becomes strong (see translation of the paragraph [0009]).

Therefore there was no motivation in Hirota lading one of ordinary skill in the art to use propenetrating agents as claimed in a proportion ranging from 5 to 10 wt %.

Consequently, even if one of ordinary skill in the art would have combined the teachings of Cameron et al, Hirota and the Handbook of Cosmetic Science and Technology, they would not have included the claimed quantity of propenetrating agent(s).

Moreover, the combination as claimed, comprising anionic and amphoteric surfactants results in a shampoo composition having good foaming properties. These good foaming properties allow an easy use while having a good efficiency in the treatment of ailments of the scalp.

The claims are submitted to be patentable over Cameron, Hirota and the Handbook of Cosmetic Science and withdrawal of the Section 103 rejection based on the same is requested.

The Section 103 rejection of claim 55 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and U.S. Patent No. 5,378,731 (Andrews), is traversed. The Section 103 rejection of claims 33, 35 and 36 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and U.S. Patent No. 5,998,395 (Kligman), is traversed. The Section 103 rejection of claims 52-54 and 56 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology and U.S. Patent

PREUILH et al.
Appl. No. 09/709,477
July 18, 2006

No. 5,661,118 (Cauwet), is traversed. Reconsideration and withdrawal of the rejections are requested as the cited further art in each of the rejections fail to cure the deficiencies noted above with regard to combination of Cameron, Hirota, The Handbook of Cosmetic Science and Technology. Withdrawal of the Section 103 rejections over the art combinations of Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and Andrews, Kligman or Cauwet is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100